



Maintenance of Effort

Issue Date: April 24, 2006

Sources: No Child Left Behind Act, Section 9521

KeyWords: Maintenance of Effort

Summary: Local educational agencies receiving particular federal funds must maintain 90 percent of the previous year's aggregate funding or combined fiscal effort per student

In General—A local educational agency may receive funds under a covered program for any fiscal year only if the Nevada Department of Education (NDE) finds that either the combined fiscal effort per student or the aggregate expenditure of the agency with respect to the provision of free public education by the agency for the preceding fiscal year was not less than 90 percent of the combined fiscal effort or the aggregate expenditures of the second preceding fiscal year.

A covered program means each of the programs authorized by:

Title I-A (Basic Program and Neglected) Improving the Academic Achievement of the Disadvantaged

Title I-B, subpart 3, Even Start Family Literacy Programs

Title I-C Education of Migrant Children

Title I-D Prevention and Intervention Programs for Children and Youth who are Delinquent

Title I-F Comprehensive School Reform

Title II-A High Quality Teachers and Principals

Title II-D Technology (Consolidated Funding Application)

Title III-A Limited English Proficient and Immigrant Students

Title IV-A Safe and Drug-Free Schools and Communities

Title IV-B 21st Century Community Learning Centers

Title V-A Innovative Education

Reduction in Case of Failure to Meet

(1) In General — NDE must reduce the amount of the allocation of funds under a covered program in any fiscal year in the exact proportion by which a local educational agency fails to meet the requirement of the first paragraph by falling below 90 percent of both the combined fiscal effort per student and aggregate expenditure (using the measure most favorable to the local agency).

(2) Special Rule — No lesser amount is allowed to be used for computing the effort required under the first paragraph for subsequent years.

Waiver — The Secretary of the U.S. Department of Education may waive the Maintenance of Effort requirements if the Secretary determines that a waiver would be equitable due to:

(1) Exceptional or uncontrollable circumstances, such as a natural disaster; or

(2) A precipitous decline in the financial resources of the local educational agency.